

Article 7B.

Rape and Other Sex Offenses.

**§ 14-27.20. Definitions.**

The following definitions apply in this Article:

- (1) Repealed by Session Laws 2018-47, s. 4(a), effective December 1, 2018.
- (2) Mentally incapacitated. – A victim who due to (i) any act committed upon the victim or (ii) a poisonous or controlled substance provided to the victim without the knowledge or consent of the victim is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act.
- (2a) Person who has a mental disability. – A victim who has an intellectual disability or a mental disorder that temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act.
- (3) Physically helpless. – Any of the following:
  - a. A victim who is unconscious.
  - b. A victim who is physically unable to resist an act of vaginal intercourse or a sexual act or communicate unwillingness to submit to an act of vaginal intercourse or a sexual act.
- (4) Sexual act. – Cunnilingus, fellatio, analingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body. It is an affirmative defense that the penetration was for accepted medical purposes.
- (5) Sexual contact. – Any of the following:
  - a. Touching the sexual organ, anus, breast, groin, or buttocks of any person.
  - b. A person touching another person with their own sexual organ, anus, breast, groin, or buttocks.
  - c. A person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
- (6) Touching. – As used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. (1979, c. 682, s. 1; 2002-159, s. 2(a); 2003-252, s. 1; 2006-247, s. 12(a); 2015-181, s. 2; 2018-47, s. 4(a).)